

## REMARKS

Claims 1-12 are pending. An Office Action mailed July 12, 2007 identified that that the Declaration was defective, objected to the disclosure and Claim 11, rejected Claims 4-6 under 35 U.S.C. § 112, Claims 1-8, 10 and 11 on the grounds of non-statutory obviousness-double-patenting, Claims 1, 3, and 7-12 under 35 U.S.C. § 102, and Claims 4 and 5 under 35 U.S.C. § 103, and allowed Claims 2 and 6 if rewritten in independent form. By way of this Amendment, Applicant hereby amends Claims 1, 4-6, and 11, and cancels Claim 2. Pursuant to 37 C.F.R. § 1.111, Applicant respectfully requests reconsideration of the Application.

### OATH/DECLARATION

The Office Action identified that the Oath/Declaration was identified as defective. Applicant hereby submits the Declaration that identifies that Application by application number and filing date.

Also, the Office Action states that the Oath/Declaration is defective because it does not state that the person making the Oath/Declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought. Applicants submit that that statement was included in the original Oath/Declaration on page 1 below the address information.

### OBJECTION TO THE SPECIFICATION

The Office Action objected to the disclosure because there are no headings as specified in 37 C.F.R. § 1.77(b). Applicant submits that headings were submitted on page 2 of the Preliminary Amendment that was filed with the Application.

### OBJECTION TO CLAIM 11

The Office Action objected to Claim 11 for informalities. Applicant hereby amends Claim 11 in order to overcome the noted informality.

#### REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Office Action rejected Claims 4-6 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant hereby amends Claims 4-6 in order to overcome the noted rejection.

#### DOUBLE-PATENTING REJECTION

The Office Action provisionally rejected Claims 1-8, 10 and 11 on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over Claims 1-4, 7-9, 12, 13, and 16 of co-pending Application No. 10/569,759. Applicant hereby submits a terminal disclaimer in order to overcome the double-patenting rejection.

#### REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1, 3, and 7-12 as being anticipated by *Plettner*. Applicant hereby amends independent Claim 1 to include the noted allowable subject matter of Claim 2. Therefore, Claim 1 and all remaining dependent claims, Claims 3-12, are allowable.

### **CONCLUSION**

Applicant believes that the Claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

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